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TO	COMPANY NAME	FAX NO.	PHONE NO.
Examiner Clara Yang	USPTO	703-872-9314	703-305-4086

TOTAL NO. OF PAGES 32 (including cover sheet)

FROM James F. Dobrow

SENDER'S FAX NO. 212-806-2583

SENDER'S PHONE NO. 212-806-5583

SENDER'S EMAIL JDOBROW@stroock.com

ROOM NO. 3875

ATTORNEY NO. 3213

CLIENT/MATTER NAME Application No. 09/502,696

CLIENT/MATTER NO. 068856/0221

OFFICIAL

MESSAGE

Dear Examiner Yang:

In accordance with our last telephone conversation, I am filing herewith a Petition To Have Correspondence Considered Timely and Statement Under 37 C.F.R. § 1.8(b) along with Exhibits A-D.

Please let me know if there is any other information that you need to further prosecution of this case. I can be reached a 212-806-5583 (phone), 212-806-2583 (fax), and jdobrow@stroock.com (e-mail).

I appreciate your assistance.

James Dobrow

CONFIDENTIAL

The information contained in this facsimile is privileged and confidential, and is intended only for the use of the individual named above and others who have been specially authorized to receive such. If the recipient is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, or if any problems occur with this transmission, please notify us by telephone at 212-806-6102.

Docket No.
068856/0221
SBP:JFD

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Donald J. Urbas et al.

Group Art Unit: 2635

Application No.: 09/502,696

Examiner: Clara Yang

Filed: February 11, 2000

For: **IMPLANTABLE INDUCTIVELY PROGRAMMED TEMPERATURE
SENSING TRANSPONDER**

Date: September 15, 2003

CERTIFICATE OF TRANSMISSION
BY FACSIMILE (37 C.F.R. § 1.8)

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

I hereby certify that the following correspondence:

1) Petition to Have Correspondence Considered Timely and Statement Under 37 C.F.R. § 1.8(b); and 2) copies of previously filed a) Amendment; b) Petition for Extension of Time; c) postcard receipt; and d) Certificate of Mailing by First Class Mail (37 C.F.R. § 1.8)

is being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. § 1.8 on the following date: **September 15, 2003**

OFFICIAL

James F. Dobrow

(Typed Or Printed Name Of Person Signing this Certificate)

(Signature)

SSL-DOCS1 1378393

Atty. Docket No.:
068856/0221
SBP:JFD

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Donald J. Urbas et al.

Serial No.: 09/502,696

Art Unit: 2635

Filed: February 11, 2000

Examiner: Clara Yang

For: **IMPLANTABLE INDUCTIVELY PROGRAMMED
TEMPERATURE SENSING TRANSPONDER**

September 15, 2003

PETITION TO HAVE CORRESPONDENCE CONSIDERED

TIMELY AND STATEMENT UNDER 37 C.F.R. § 1.8(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

OFFICIAL

Sir:

This communication is being filed via facsimile to the above-listed Art Unit's facsimile number for general correspondence, 703-872-9314, concurrently with a signed certificate of transmission.

Applicants received an Office action, dated January 2, 2003, in the above-referenced case ("Office Action"). A response to the Office Action was due April 2, 2003. In response to the Office Action, applicants timely filed an Amendment, Petition for Extension of Time, return postcard, and Certificate of Mailing by First Class Mail with the United States Post Office on July 2, 2003, in accordance with 37 C.F.R. § 1.8.

SSL-DOCS1 1376962v2

Application Serial No.: 09/502,696
September 15, 2003

On Thursday, September 4, 2003, applicants' attorney, the undersigned, received a courtesy telephone call from the examiner in the case, Ms. Clara Yang, informing the undersigned that the examiner was not in receipt of a response to the outstanding office action.

Upon receiving this information, the undersigned was advised by the examiner to forward copies of the previously filed Amendment, Petition for Extension of Time, return postcard, and Certificate of Mailing by First Class Mail to the examiner, and the undersigned did so. Also, upon reviewing his docketing archives, the undersigned became aware that he had never received the filed return postcard, date stamped by the USPTO.

The examiner then informed the undersigned that, to have the response considered timely, a Petition should be filed. Accordingly, the undersigned is filing the present Petition.

37 C.F.R. § 1.8 states, in part, that

b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

Application Serial No.: 09/502,696
September 15, 2003

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission.

Accordingly, the undersigned respectfully submits that he informed the examiner of the previous mailing of the above-listed items immediately upon becoming aware that the examiner had not received those items, thus complying with 37 C.F.R. § 1.8(b)(1). The undersigned further submits that he has provided, annexed hereto, additional copies of the previously mailed Amendment (Exhibit A), Petition for Extension of Time (Exhibit B), and return postcard receipt (Exhibit C), along with a copy of the previously mailed Certificate of Mailing by First Class Mail (Exhibit D), thus complying with 37 C.F.R. § 1.8(b)(2). Finally, the undersigned includes below a Statement which attests on a personal knowledge basis to the previous timely mailing, thus complying with 37 C.F.R. § 1.8(b)(3).

STATEMENT UNDER 37 C.F.R. § 1.8(b)(3)

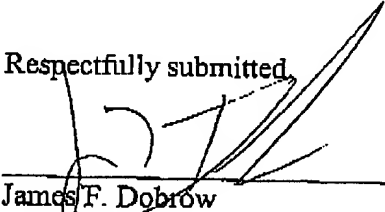
The undersigned hereby states that, in response to the Office Action, the undersigned personally placed an Amendment, Petition for Extension of Time, return postcard, and Certificate of Mailing by First Class Mail in a United States Post Office mail box in accordance with 37 C.F.R. § 1.8. The undersigned also states that he personally signed the Certificate of Mailing, and that he personally affixed sufficient postage to the envelope, and that the above-listed correspondence was timely mailed.

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Accordingly, the undersigned respectfully submits that the requirements of 37 C.F.R § 1.8(b)(1), (2) and (3) have been met, and the undersigned respectfully petitions and requests that the previously filed Amendment, Petition for Extension of Time, return postcard, and Certificate of Mailing by First Class Mail in the present application be considered timely filed.

If any additional information is needed, the undersigned may be contacted at the below-listed number.

Respectfully submitted,



James F. Dobrow
Registration No. 46,666
STROOCK & STROOCK & LAVAN LLP
180 Maiden Lane
New York, New York 10038-4982
(212) 806-5583

7/2/03
Stamp Today's Date
File By This Date

RET'N CARD REC'D _____ Clerk

Doccket No.: 068856/0221
 Attorney: SBP:JFD
 Applicant: Donald J. Urbas, et al.
 Serial No.: 09/502,696
 Filed: February 11, 2000
 For: IMPLANTABLE INDUCTIVELY PROGRAMMED TEMPERATURE
 SENSING TRANSDUCER
 Art Unit: 2635
 Examiner: Clara Yang
 Filed herewith pursuant to 37 C.F.R. § 1.8 is:
 1) Amendment
 2) Petition for Extension of Time
 3) Certificate of Mailing by First Class Mail

Filed: July 2, 2003

AWAITING RET'N CARD TICKLE

Docket No.
069956/0221
SBP:JFD

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Donald J. Urbas et al.

Group Art Unit: 2635

Application No.: 09/502,696

Examiner: Clara Yang

Filed: February 11, 2000

For: **IMPLANTABLE INDUCTIVELY PROGRAMMED TEMPERATURE
SENSING TRANSPONDER**

Date: July 2, 2003

CERTIFICATE OF MAILING
BY "FIRST CLASS MAIL" (37 C.F.R. § 1.8)

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

I hereby certify that the following correspondence:

**Amendment;
Petition for Extension of Time; and
Return Receipt Postcard**

is being deposited on July 2, 2003 with the United States Postal Service
as first class mail in an envelope bearing sufficient postage thereon and addressed to:

**Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450.**

James F. Dobrow

(Typed Or Printed Name Of Person Mailing Correspondence)

(Signature Of Person Mailing Correspondence)

SSL-DOCS1 1354976

09/15/2003 12:27 FAX

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EXHIBIT B

SSI-DOCS1 1378367v1

Received from < > at 9/15/03 12:20:11 PM [Eastern Daylight Time]